



## Benin

### Country Reports on Human Rights Practices - [2003](#)

Released by the Bureau of Democracy, Human Rights, and Labor  
February 25, 2004

The Republic of Benin is a constitutional democracy headed by President Mathieu Kerekou, who was inaugurated in April 2001, after elections that observers generally viewed as free but not entirely fair. The March parliamentary elections, which were generally free, fair, and transparent, resulted in a loss of seats by the opposition. One opposition party joined the government coalition; as a result, the opposition holds 18 of 83 seats. The Government generally respected the constitutional provision for an independent judiciary; however, the executive has important powers in regard to the judiciary, and the judiciary was inefficient and susceptible to corruption at all levels.

The civilian-controlled security forces consist of the armed forces, headed by the State Minister in charge of Defense Matters, and the police force under the Ministry of Interior, Security, and Decentralization. The Ministry of Defense supervises the Gendarmerie, which exercises police functions in rural areas, while the Ministry of Interior supervises other police forces. The armed forces continued to play an apolitical role in government affairs despite concerns about lack of morale within its ranks. Civilian authorities maintained effective control of the security forces. Members of the security forces committed some human rights abuses.

The country was extremely poor with average yearly per capita income below \$400; its population was approximately 6.5 million. The economy was mixed and some state enterprises were being privatized. The economy was based largely on subsistence agriculture, cotton production, regional trade (including transshipment of goods to neighboring countries), and small-scale offshore oil production. The Government maintained the austerity program; continued to privatize state-owned enterprises; reduced fiscal expenditures; and deregulated trade. The Government estimated the growth rate at 5 percent for the year; however, approximately 2 percent of this growth can be credited to major infrastructure projects, such as road construction, that were funded by foreign aid.

The Government generally respected the human rights of its citizens; however, there were problems in several areas. There were credible reports that police sometimes beat suspects, and at times the authorities arbitrarily arrested and detained persons. Police detained and allegedly beat some journalists. During the year, police forcibly dispersed demonstrations. The most serious human rights problems continued to be the failure of police forces to curtail acts of vigilantism and mob justice; harsh and unhealthy prison conditions; serious administrative delays in processing ordinary criminal cases; judicial corruption; violence and societal discrimination against women; and trafficking and abuse of children. The practice of female genital mutilation (FGM) and, to a lesser extent, infanticide also remained problems. Child labor, including forced and bonded child labor, continued to be a problem. Trafficking in persons was a serious problem.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

During the year, incidents of mob justice continued to occur nationwide. Most often these were cases of mobs killing or severely injuring suspected criminals, particularly thieves caught in the act. For example, in August, a mob publicly set fire to a man who allegedly had killed a watchman during a dispute. Although a number of these incidents occurred in urban areas and were publicized in the press, the Government apparently made no concerted

attempt to investigate or prosecute anyone involved, and police generally ignored vigilante attacks.

In August, vigilante leader "Colonel Devi" was released on bail; Devi was arrested in 2002 in connection with the killing of two persons at his home in 2001.

There was no known action taken against persons responsible for mob killings in 2002 and 2001.

#### b. Disappearance

There were no reports of politically motivated disappearances.

During the year, hundreds of children were kidnapped from their families and trafficked to Nigeria, where they worked in mines, quarries, and farms (see Section 6.f.).

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, there were credible reports that police sometimes beat those in custody. Unlike in the previous year, there were no reports of torture.

The Government continued to make payments to victims of torture under the military regime, and some persons have received payment for property they lost under the regime.

Police also detained and allegedly beat journalists during the year (see Section 2.a.).

On January 2, in the district of Zogbodome, approximately 40 paratroopers attacked civilians with knives, bottles, machetes, and other types of weapons in retaliation for the injury to one of their colleagues the previous day in a bar fight; approximately 100 persons were injured. The paratroopers also destroyed mopeds and ransacked bars. Defense Minister Pierre Osho promised that guilty soldiers would be punished, medical expenses for civilians paid, and compensation to civilians made no later than February 11. The soldiers appeared before a disciplinary council, and some were imprisoned or removed from their units.

Mob justice resulted in serious injuries to a number of persons (see Section 1.a.).

Prison conditions continued to be extremely harsh. Overcrowding and lack of proper sanitation and medical facilities posed a risk to prisoners' health. The prison diet was inadequate; malnutrition and disease were common. Family members were expected to provide food for inmates to supplement prison rations. Prisoners were allowed to meet with visitors such as family members, lawyers, and others.

According to the Justice Ministry, the country's eight civil prisons at times were filled to more than three times their capacity; the prison in Natitingou in Atacora Province was the only one below full capacity. Funding problems delayed the completion of the new 1,000-person prison under construction in Akpro-Misserete in Oueme Department.

Women were housed separately from men; however, juveniles at times were housed with adults. Pretrial detainees were held with convicted prisoners; however, they were not held with the most violent convicts or those subject to the death penalty.

The Government permitted prison visits by human rights monitors, and nongovernmental organizations (NGOs) and other agencies continued their prison visits.

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, at times the authorities arbitrarily arrested and detained persons.

The police were criticized for corruption and ineffectiveness. The Government attempted to address these problems by changing the police leadership in October.

On February 7, police arrested student demonstrators at the University of Abomey-Calavi (see Section 2.b.).

The Constitution prohibits detention for more than 48 hours without a hearing by a magistrate whose order is required for continued detention. However, there were credible reports that authorities exceeded this 48-hour limit in many cases, sometimes by as much as a week, using the common practice of holding a person indefinitely "at the disposition of" the public prosecutor's office before presenting their case to a magistrate. Approximately 75 percent of persons in prison were pretrial detainees.

The Constitution prohibits the forced exile of citizens, and it was not practiced.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the executive branch has important powers with regard to the judiciary, and the judiciary remained inefficient in some respects and susceptible to corruption at all levels. On April 1, the Union of the Judiciary began a 72-hour strike to protest pay and personnel issues; tribunals throughout the country were closed as a result (see Section 6.b.).

The President appoints career magistrates as judges in civil courts, and the Constitution gives the Ministry of Justice administrative authority over judges, including the power to transfer them. Inadequate facilities, poorly trained staff, and overcrowded dockets delayed the administration of justice. Low salaries made magistrates and clerks susceptible to corruption. Inefficiency and corruption particularly affected the judiciary at the trial court and investigating magistrate levels. The arrest of numerous judges on corruption charges further strained the overburdened court infrastructure.

The trial of the approximately 80 judges charged in December 2002 with bribery and corruption had not started by year's end; 23 of the judges remained in prison at year's end.

A civilian court system operated on national and provincial levels. There was only one court of appeals. The Supreme Court was the court of last resort in all administrative and judicial matters. The Constitutional Court was charged with deciding on the constitutionality of laws, disputes between the President and the National Assembly, and disputes regarding presidential and legislative elections. Its rulings in past years against both the executive and legislative branches, which were respected by both branches, demonstrated the Court's independence; however, it was accused of bias in favor of the President during the 2001 presidential elections (see Section 3). A High Court of Justice, whose membership was renewed in August and is scheduled to be installed in 2004, deals with crimes committed by the President or government ministers against the state. Military disciplinary councils deal with minor offenses by members of the military services, but they have no jurisdiction over civilians.

The legal system is based on French civil law and local customary law. The Constitution provides for the right to a fair public trial. A defendant enjoys the presumption of innocence and has the right to be present at trial and to representation by an attorney, at public expense if necessary. In practice, the court provided indigent defendants with court-appointed counsel upon request. A defendant also has the right to confront witnesses and to have access to government-held evidence. Trials were open to the public, but in exceptional circumstances the president of the court may decide to restrict access to preserve public order or to protect the parties. Defendants who were awaiting a verdict may request release on bail; however, the courts granted such requests only on the advice of the Attorney General's office.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice. Police were required to obtain a judicial warrant before entering a private home, and they usually observed this requirement in practice.

Results from the National Assembly's 2001 investigation into alleged governmental wiretapping were not released publicly by year's end.

Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, during the year, police allegedly beat and held for several hours four journalists who spoke out against the police inspector.

The law provides for sentences of imprisonment involving compulsory labor for certain acts or activities related to the exercise of the right of free expression. The law concerns threats to public order or calls to violence but is loosely worded and susceptible to abuse.

There was a large and active privately-owned press composed of more than 20 daily newspapers. These publications criticized the Government freely and frequently, but the effect on public opinion was limited because of their urban concentration. A nongovernmental media ethics commission (ODEM) continued to censure some journalists during the year for unethical conduct such as reporting falsehoods or inaccuracies or releasing information that was still under embargo. ODEM also commended some journalists for adherence to professional standards.

Privately owned radio and television stations were popular sources of information. Programs critical of the Government were broadcast without interference during the year, and "call-in" and other talk shows often were used for public discussion of various topics.

The Government continued to own and operate the media that were most influential in reaching the public because of broadcast range and infrastructure. The majority of citizens were illiterate and lived in rural areas; they largely received their news via radio. The Benin Office of Radio and Television (ORTB) transmitted on the FM and AM frequencies and by short wave in French and local languages. Radio France International and the British Broadcasting Corporation broadcast in Cotonou. Fifteen rural radio stations, which were governed by local committees and received support from the ORTB, broadcast several hours a day exclusively in local languages.

The ORTB television station broadcast more than 12 hours per day on a signal that was easily received in urban areas. Approximately 80 percent of the ORTB's television programming was in French. Several private television stations broadcast, including TV5 and LC-2. Although neither television station broadcast partisan programs in support of, or unduly critical of, the Government, the vast majority of news programming centered on government officials' activities, government-sponsored conferences, and international stories provided by French television or other foreign sources.

On April 1, Cotonou police allegedly detained for several hours, beat, and interrogated Etienne Houessou, the director of the newspaper *Le Telegramme*; the editor, Blaise Fagnihoun; and journalists Norbert Houessou and Casimir Assogba for publishing an unsigned letter complaining of improper management of police at police headquarters. On April 10, 300 union leaders and journalists held a peaceful demonstration to protest police actions. The Director General of the police reportedly threatened other arrests if the newspaper published similar articles. *Le Telegramme* protested to the Supreme Court, and in October, the Government dismissed the Director of the National Police Raymond Fadonougbo.

The government entity with oversight responsibility for media operations was the High Authority for Audio-Visual Media and Communications, which required broadcasters to submit weekly lists of planned programs and required publishers to deposit copies of all publications with it; however, the media did not comply with these requirements in practice. The information was used for administrative purposes; however, journalists often complained that it was an attempt at censorship.

Internet service was available in cities, and there were no governmental restrictions on its use.

The Government did not restrict academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government generally respected this right in practice. Unlike in the previous year, there were no reports that government officials refused to allow marches or demonstrations. The Government requires permits for use of public places for demonstrations and generally granted such permits.

In February, students from the University of Abomey-Calavi called a strike to demand that students expelled after the May 2002 demonstrations be reinstated. On February 7, police arrested students protesting poor living and working conditions and the lack of scholarships at the University of Abomey-Calavi and used tear gas to disperse the crowd. Some students were slightly injured during the arrests. The students were released after a short time without charge.

The Constitution provides for freedom of association, and the Government generally respected this right in practice. The Government requires associations to register and routinely granted registrations.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Persons who wish to form a religious group must register with the Ministry of the Interior. There were no reports that any group was refused permission to register or was subjected to unusual delays or obstacles in the registration process.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice; however, the presence of police, gendarmes, and illegal roadblocks impeded domestic movement. Although ostensibly meant to enforce automotive safety and customs regulations, many of these checkpoints served as a means for officials to exact bribes from travelers. The Government maintained previously implemented measures to combat such corruption at roadblocks; however, they were not always effective and extortion occurred.

On August 9, Nigeria closed its western border with the country to protest the Government's lack of action against cross-border banditry and trafficking in drugs and persons. The border reopened 1 week later after a summit in which Presidents Kerekou and Obasanjo pledged cooperation in efforts to deter such practices (see Section 6.f.).

The Government maintained documentary requirements for minors traveling abroad as part of its continuing campaign against trafficking in persons (see Section 6.f.).

The Government's policy toward the seasonal movement of livestock allowed migratory Fulani herdsmen from other countries to enter freely; the Government did not enforce designated entry points. Disputes arose between the herdsmen and local landowners over grazing rights.

The law provides for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In practice, the Government provided protection against refoulement and granted refugee status or asylum. The Government cooperated closely with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees, including those in need of temporary protection. The UNHCR estimated that, as of September, there were 5,068 refugees of various nationalities in the country and that approximately 958 persons residing in the country were requesting asylum. During the year, a number of citizens of Togo continued to enter the country and were granted refugee status or given temporary protection; however, many returned to Togo. As of September, there were 1,213 Togolese refugees in the country. Despite severe economic pressures that limited its ability to provide education for children, the Government allowed these Togolese to enroll their children in local schools and permitted their participation in some economic activities.

In contrast, the UNHCR estimated that 235 Ogoni refugees from Nigeria were at a disadvantage because they did not speak French and could not work nor could their children attend schools. UNHCR officials directed them to remain within the confines of the Kpomasse refugee camp to avoid potential confrontations with local inhabitants and maintained administrative control over their activities.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and generally fair elections held on the basis of universal suffrage. Observers viewed the March National Assembly and December 2002 municipal elections as generally free and fair;

however, opposition parties charged that there were some irregularities. The Constitution provides for a 5-year term of office for the President (who is limited to two terms) and 4-year terms for National Assembly members (who may serve an unlimited number of terms). The Constitution limits candidates for the presidency to persons between the ages of 40 and 70 years. Municipal terms are for 4 years. There were 12 political parties and coalitions represented in the unicameral, 83-member National Assembly.

The March National Assembly elections resulted in the loss of seats by the opposition, notably the Rebirth of Benin (RB), the primary opposition party led by former president Nicephore Soglo. A second opposition party, that of the former Prime Minister Adrien Houngbedji, joined the government coalition, leaving only Soglo's party and the minor Star Alliance (AE) party in the opposition. The RB held 15 of the National Assembly's 83 seats; AE held 3 seats. Although it took the Government several days to certify the results of the elections, only two seats were contested.

Opposition parties criticized the National Election Commission's handling of the country's first-ever municipal elections in December 2002 and charged that the pro-Kerekou coalition engaged in vote-buying, forged voter cards, and other types of fraud. Despite these charges, the opposition won the majority of seats on the municipal councils in the large cities.

President Kerekou was inaugurated in April 2001. Observers viewed the reelection of Kerekou as free but not entirely fair because of the apparent judicial manipulation of the presidential electoral counts, the intimidation of opposition deputies, and the unprecedented scope of the campaign expenditures made by the President's coalition. When opposition candidates challenged the preliminary, first-round presidential vote tallies, the Court initially affirmed those results despite the electoral commission's concession that computer failures and other irregularities made those tallies unreliable. Following extensive public criticism, the Court reviewed the evidence in more detail, modified the tallies, and gave some of the numerous opposition candidates marginally higher total votes. No members of the opposition were in the President's cabinet or in the National Assembly's Executive Committee.

Women participated actively in political parties. Following a Cabinet reshuffle during the year, there were 4 women in the 21-member Cabinet. There were 6 women in the 83-member, unicameral National Assembly, including the leader of the largest opposition party. The President of the Constitutional Court was a woman.

The major ethnic groups are well represented in government agencies, civil service, and the military.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

#### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race and sex, but societal discrimination against women continued. Persons with disabilities were disadvantaged.

#### Women

Domestic violence against women, including wife beating, was common. The maximum penalty ranges from 6 to 36 months' imprisonment. NGO observers believed that women remained reluctant to report cases. Judges and police also were reluctant to intervene in domestic disputes; society and law enforcement considered such cases to be an internal family matter. In March, a local chapter of a regional NGO, Women in Law and Development-Benin, opened to offer social, legal, medical, and psychological assistance to victims of domestic violence.

FGM was practiced on females ranging from infancy through 30 years of age and generally took the form of excision. Surveys reliably estimated that the number of women who had undergone FGM at approximately 50 percent. FGM was outlawed in March, and the new law provides for penalties for performing the procedure, including jail sentences of up to 10 years in prison and \$10,000 (6 million CFA francs); however, the Government generally was unsuccessful in preventing the practice. There was a strong profit motive in the continued practice of FGM by those who performed the procedure, usually older women. The efforts of NGOs and others to educate rural communities about the dangers of FGM and to retrain FGM practitioners in other activities continued during

the year. A prominent NGO, the local chapter of the Inter-African Committee, made progress in raising awareness of the dangers of the practice, and the Government cooperated with its efforts. The press reported that the number of girls and women undergoing FGM decreased significantly each year since 1996. During the year, the Ministry of Family launched an education campaign that included conferences in schools and villages, discussions with religious and traditional authorities, and banners. NGOs also addressed this issue in local languages on local radio stations.

Although the Constitution provides for equality for women in the political, economic, and social spheres, women experienced extensive societal discrimination, especially in rural areas where they occupied a subordinate role and were responsible for much of the hard labor on subsistence farms. In urban areas, women dominated the trading sector in the open-air markets. By law, women have equal inheritance and property rights; however, local custom in some areas prevented them from inheriting property.

In December 2002, the Constitutional Court ruled that some provisions of the 2002 Family Code were unconstitutional, including the request that the decision for monogamy or polygamy be clearly expressed at the time of marriage and the right for a woman to keep her maiden name after marriage. Critics charged that the Code, which strengthened inheritance, property, and other rights for women, would give women unfair advantages.

### Children

The Ministry of Family was responsible for the protection of children's rights, primarily in the areas of education and health. The National Commission for Children's Rights and the Ministry of Family had oversight roles in the promotion of human rights issues with regard to children and their welfare.

Primary education was tuition-free but not compulsory. In some parts of the country, girls received no formal education. The Government implemented programs such as offering books at reduced prices to promote children's access to primary schools and to enhance the quality and relevance of schooling received. Primary school enrollment was approximately 90 percent of boys and approximately 60 percent of girls nationwide during the 2001-02 school year; only 26 percent of boys and 12 percent of girls were enrolled in secondary school. Girls did not have the same educational opportunities as boys, and female literacy was approximately 18 percent (compared with 50 percent for men). However, recent elementary school pass rates for girls have increased. Strikes by teachers in 2002 and during the year disrupted the school years (see Section 6.b.).

There was a tradition in which a groom abducts and rapes his prospective child bride (under 14 years of age). The practice was widespread in rural areas, but the Government worked to end it through information sessions on the rights of women and children.

Criminal courts meted out stiff sentences to criminals convicted of crimes against children; however, many such crimes never reached the courts due to lack of education and access to the courts or fear of police involvement in the problem.

FGM was commonly performed on young girls (see Section 5, Women).

The Constitution and the law prohibit child prostitution; however, enforcement was frequently lax. Child prostitution mainly involved young girls whose poor families urged them to become prostitutes to provide income. They were abused sexually by teachers who sought sex for better grades and lured to exchange sex for money by older men who acted as their "protectors." There were street children who became prostitutes to support themselves. There were reports of sexual tourism and reports that adult males preferred young girls because they were viewed as less demanding and less likely to have HIV/AIDS. The Government organized assistance to child prostitution victims and worked jointly with NGOs and international organizations on prevention programs.

Some traditional practices inflicted hardship and violence on children, including most prominently the custom of "vidomegon," whereby poor, often rural, families placed a child, primarily a daughter, in the home of a more wealthy family to avoid the burden the child represented to the parental family. The children worked, but the arrangement was voluntary between the two families. There was a considerable amount of abuse in the practice, including one case where a girl was chained up and fed on the floor. The woman responsible was arrested and sentenced to 6 months in prison. In other cases, children were forced to work long hours without adequate food. There also were instances of sexual exploitation. Approximately 90 to 95 percent of the children in vidomegon were young girls. Children were sent from poorer families to Cotonou and then some of the children were sent to Gabon, Cote d'Ivoire, and the Central African Republic to help in markets and around the home. The child received living accommodations, while income generated from the child's activities was split between the child's parents in the

rural area and the urban family that raised the child.

Trafficking in children for purposes of forced labor or prostitution in other countries remained a problem (see Section 6.f.).

Other traditional practices included the killing of deformed babies, breech babies, and one of two newborn twins (all of whom were thought to be sorcerers in some rural areas). There were numerous press reports of infanticide during the year, and some NGOs were combining their anti-infanticide efforts with programs to counter FGM.

#### Persons with Disabilities

The Constitution provides that the State should care for persons with disabilities; however, there were no legal requirements for the construction or alteration of buildings to permit access for persons with disabilities.

The Government operated a number of social centers for persons with disabilities to assist their social integration. Nonetheless, many were unable to find employment and resorted to begging to support themselves.

The Labor Code includes provisions to protect the rights of workers with disabilities, which was enforced with modest effectiveness during the year.

#### Section 6 Worker Rights

##### a. The Right of Association

The Constitution provides workers with the freedom to organize, join unions, and meet, and the Government generally respected these rights in practice. The labor force of approximately 2 million was engaged primarily in subsistence agriculture and other primary sector activities, with less than 2 percent of the population engaged in the modern (wage) sector.

Although approximately 75 percent of the wage earners belonged to labor unions, a much smaller percentage of workers in the private sector were union members. There were several union confederations, and unions generally were independent of government and political parties. The Economic and Social Council, a constitutionally mandated body, included four union representatives.

The Labor Code prohibits employers from taking union membership or activity into account regarding hiring, work distribution, professional or vocational training, or dismissal; however, there were reports of individuals being dismissed for union activity. The Government levied substantial penalties against employers who refused to rehire workers dismissed for lawful union activities.

There were no developments in the cases of three labor leaders dismissed in 2001 for alleged theft and distribution of confidential accounting documents.

There were no known instances of efforts by the Government to retaliate against union activity; however, the International Confederation of Free Trade Unions alleged that hostility to trade unions persisted and that union members were intimidated.

Unlike in the previous year, there were no reports that the mayor of Cotonou prohibited labor demonstrations.

Unions may form freely or join federations or confederations and affiliate with international bodies. The two major labor confederations were affiliated with the Brussels-based International Confederation of Independent Unions.

##### b. The Right to Organize and Bargain Collectively

The Labor Code generally allows workers the freedom to organize and administer their own unions. The Labor Code provides for collective bargaining, and workers freely exercised these rights. Wages in the private sector were set in negotiations between unions and employers. The Government sets wages in the public sector by law and regulation.

Strikes were permitted, and workers must provide 3 days advance notice; however, the authorities can declare



strikes illegal for stated causes, such as threatening to disrupt social peace and order, and can requisition striking workers to maintain minimum services. The Government may not prohibit any strike on the grounds that it threatens the economy or the national interest. A company may withhold part of a worker's pay following a strike. Laws prohibit employer retaliation against strikers, and the Government enforced them effectively.

There were numerous strikes during the year. Teachers demanding back pay and higher wages conducted strikes throughout the year, which disrupted schools from the primary through university levels. Teachers resumed work after the Government agreed to meet their demands.

On March 18, workers of the Water and Electricity public company (SBEE) observed a warning strike throughout the country to protest the SBEE's planned reorganization and the lack of modern working equipment. SBEE management negotiated an agreement with the workers.

On April 1, the Union of the Judiciary began a 72-hour strike to protest pay and personnel issues; tribunals throughout the country were closed as a result. The union demanded an adjustment of the judiciary's status as "temporary" and severely criticized the lack of dialogue between the Ministry of Justice and its workers. After the strike, the Government agreed to revise the status of the judiciary staff.

Labor unions continued to oppose the Government's merit-based promotion scheme.

There are no export processing zones.

#### c. Prohibition of Forced or Bonded Labor

The Labor Code prohibits forced or bonded labor, including by children; however, there were reports that such practices occurred, and trafficking was a problem (see Sections 6.d. and 6.f.). The law provides for sentences of imprisonment involving compulsory labor for certain acts or activities related to the exercise of the right of free expression (see Section 2.a.); no such sentences were imposed during the year.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The Labor Code prohibits the employment or apprenticeship of children under 14 years of age in any enterprise; however, child labor remained a problem. The Ministry of Labor enforced the Labor Code in only a limited manner (and then only in the modern sector) due to the lack of inspectors. To help support their families, children of both sexes--including those as young as 7 years old--continued to work on rural family farms, in small businesses, on construction sites in urban areas, in public markets as street vendors, and as domestic servants under the practice of *vidomegon* (see Section 5). A majority of children working as apprentices were under the legal age of 14 for apprenticeship.

Some financially desperate parents indentured their children to "agents" recruiting farm hands or domestic workers, often on the understanding that wages for the children would be sent to the parents. According to press reports, in some cases, these agents took the children to neighboring countries for labor (see Sections 5 and 6.f.). Also, many rural children were sent to cities to live with relatives or family friends, often on the understanding that in return for performing domestic chores, they would receive an education. Host families did not always honor their part of the bargain, and the abuse of child domestic servants occurred.

The Government took steps to educate parents and to prevent such placing of children in bonded labor. The Government undertook media campaigns, regional workshops, and public pronouncements on child labor problems. The Government works with a network of both public and private journalists to educate the population on the issues of child labor and child trafficking.

The Labor Ministry organized a seminar for labor inspectors to ensure that businessmen complied with labor rights. The Ministry of Family, in conjunction with the Labor Ministry and the Justice Ministry, implemented a pilot program to fight child labor in major cities.

#### e. Acceptable Conditions of Work

The Government administratively sets minimum wage scales for a number of occupations. In 2000 the Government raised the minimum wage to approximately \$34 (25,000 CFA francs) per month. However, the minimum wage did not provide a decent standard of living for a worker and family. Many workers must supplement their wages by

subsistence farming or informal sector trade. Most workers in the wage sector earned more than the minimum wage, although many domestics and other laborers in the informal sector earned less.

The Labor Code establishes a workweek of between 40 and 46 hours, depending on the type of work, and provides for at least one 24-hour rest period per week. Domestic and agricultural workers frequently worked 70 hours or more per week. The authorities generally enforced legal limits on workweeks in the modern sector.

The Code establishes health and safety standards, but the Ministry of Public Service, Labor, and Administrative Reform did not enforce them effectively. The law does not provide workers with the right to remove themselves from dangerous work situations without jeopardy to continued employment. The Ministry has the authority to require employers to remedy dangerous work conditions but did not enforce this authority effectively.

The law protects legal but not illegal foreign workers.

#### f. Trafficking in Persons

Although no law specifically prohibits trafficking in persons, the Government interprets its laws as prohibiting trafficking in persons in general and in underage girls in particular; however, there were reports of trafficking in children. The Criminal Code prohibits kidnapping. The country was a source, transit, and destination for trafficked persons, primarily children.

The Government publicized various arrests of potential traffickers; however, there were no reports of subsequent legal action against the alleged traffickers.

On September 26, 116 boys, who had been kidnapped from their families to work in mines, quarries, and farms in Nigeria, were repatriated to the country; 3 other children reportedly died in transit. On October 15, 74 children, aged 4 to 13 years old, were repatriated to the country from Nigeria and reunited with their families. The Ministry of Family coordinated efforts with donors and NGOs to assist with emergency support and reintegration, and subsequently placed the children in educational and vocational programs. Nine persons were arrested in connection with the trafficked children, and they remained in prison awaiting trial at year's end. Several more small groups of children were repatriated from Nigeria during the year, and they continued to receive food, shelter, and medical treatment from the Government and NGOs before being reunited with their families.

None of the persons arrested in connection with the MV Etireno, a ship suspected of carrying trafficked children in 2001, have yet been brought to trial.

Internal trafficking of children within the country took place in connection with the forced servitude practice called "vidomegon." The children worked, but the arrangement was voluntary between the two families (see Section 5).

Children were trafficked to Ghana, Nigeria, and Gabon for indentured or domestic servitude, farm labor, and prostitution. In addition, hundreds of children were taken across the border to Togo and Cote d'Ivoire to work on plantations. Children from Niger, Togo, and Burkina Faso have been trafficked to the country for indentured or domestic servitude. Most victims leave home with traffickers who promise educational opportunities or other incentives. The 2000 ILO-IPEC report "Combating Trafficking in Children for Labor Exploitation in West and Central Africa" noted that 3,061 children were known to have been trafficked in the country between 1995 and 1999.

The ILO and UNICEF reported that trafficking originated mainly in the depressed rural areas. UNICEF also reported that trafficked persons originated primarily from the country's southernmost provinces, those with the easiest access to the paved coastal highway that links Cote d'Ivoire, Togo, Benin, and Nigeria.

According to UNICEF, four distinct forms of trafficking occur in the country. "Trafic-don" was when children were given to a migrant family member or stranger, who turned them over to another stranger for vocational training or education. "Trafic-gage" was a form of indentured servitude, in which a debt was incurred to transport the child, who was not allowed to return home until the debt was repaid. "Trafic-ouvrier" involved children aged 6 years to 12 years, and they worked as artisans, construction laborers, or agricultural or domestic workers. This was the most common variant, estimated to be 75 percent of the total traffic of the three provinces UNICEF surveyed in 2000. Finally, "trafic-vente" was the outright sale of children.

According to a survey of child labor conducted in 1999, 49,000 rural children, constituting 8 percent of the rural child population between the ages of 6 and 16, work abroad, primarily as agricultural workers on plantations in

Cote d'Ivoire and as domestic workers in Gabon. Only children who had been trafficked explicitly for labor purposes were counted among the 49,000 children that were estimated to be victims of trafficking. However, the children who left "for other reasons" may conceal an additional number of trafficked children and bring the number close to 80,000. Of the trafficked children in this child labor study, 61 percent were boys and 39 percent were girls. Organized child traffickers particularly have victimized certain villages, and there were villages where up to 51 percent of children were trafficked.

On August 14, President Kerekou and Nigerian President Olusegun Obasanjo held an emergency summit and pledged to cooperate to identify, investigate, and prosecute agents and traffickers, and to protect and repatriate trafficking victims. The two countries also established joint border patrols to crack down on smuggling and banditry. During the year, the Government implemented several measures to combat child labor and child trafficking.

The Brigade for the Protection of Minors, under the jurisdiction of the Interior Ministry, fought crimes against children. The Chief of the Minor Brigade noted that from January 1 to September 1, various security agencies, including gendarmes and police, intercepted 136 trafficked children in the country. The Ministry of the Family also opened centers in urban areas to provide education and vocational training to victims of vidomegon. The Government also worked with NGOs to combat trafficking in children, taking measures that included media campaigns and greater border surveillance; however, police complained that they lacked equipment to monitor trafficking adequately.

The Government has bilateral agreements with Togo, Gabon, and Nigeria, which focus on border control and repatriation of trafficking victims.